

DN/ah  
13907  
09/12/07

1 DONNA B. NOUSHKAM (Bar No. 232716), a Member of  
2 LANAK & HANNA, P.C.  
3 400 North Tustin Avenue, Suite 120  
4 Santa Ana, CA 92705-3815  
5 Telephone Number: (714) 550-0418  
6 Facsimile Number: (714) 550-7603  
7 Email: [dnoushkam@lanak-hanna.com](mailto:dnoushkam@lanak-hanna.com)  
8 Attorneys for Defendant/Cross-Claimant/Third Party Plaintiff,  
9 AMERICAN CONTRACTORS INDEMNITY COMPANY  
10

11 UNITED STATES DISTRICT COURT

12 FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

13 UNITED STATES, For the Use of  
14 ECCO EQUIPMENT CORPORATION,

15 Plaintiff,

16 v.

17 CENTRAL VALLEY CONSTRUCTION, INC.;  
18 CKY, INC., TPA, INC., AMERICAN  
19 CONTRACTORS INDEMNITY COMPANY,  
20 and DOES 1 through 20,

21 Defendants.

CASE NO. C 07 1568 MJJ

*Assigned for all purposes to  
Honorable Martin J Jenkins, Courtroom 11*

**REQUEST FOR APPROVAL OF  
SUBSTITUTION OF ATTORNEY  
AND ORDER THERETO**

22 Defendant, AMERICAN CONTRACTORS INDEMNITY COMPANY ("ACIC"), hereby  
23 requests the Court to approve the substitution of Musick, Peeler & Garrett LLP as its attorney of  
24 record in place and stead of Lanak & Hanna, P.C.

25 ACIC consents to this substitution.

26 AMERICAN CONTRACTORS  
27 INDEMNITY COMPANY

28 Dated: September 17, 2007

By: 

Title: SUB-CLAIM  
Requesting Party

Lanak & Hanna, P.C.  
400 N Tustin Ave  
Suite 120  
Santa Ana, CA  
92705-3815  
714/550-0418

L:\ACIC\13907\Pleadings\070912 Request for Approval of Sub of  
Atty and Order wpd

-1-

**REQUEST FOR APPROVAL OF  
SUBSTITUTION OF ATTORNEY AND ORDER THERETO**

DN/ah  
13907  
09/12/07

1 Lanak & Hanna, P.C., as the counsel substituting out, consents to this substitution.

2 LANAK & HANNA, P.C.

3  
4 Dated: September 19, 2007

By: 

DONNA B. NOUSHKAM  
Present Attorney for Defendant,  
AMERICAN CONTRACTORS  
INDEMNITY COMPANY

7 Musick, Peeler & Garrett, LLP, as the counsel substituting in, consents to this substitution.  
8  
9 Attorney, Jack W. Fleming (SBN: 86292) of Musick, Peeler & Garrett LLP will be the new attorney  
10 of record for ACIC. Mr. Fleming's contact information is as follows: 650 Town Center Dr., Suite  
11 1200, Costa Mesa, CA 92626-7166; telephone (714) 668-2421; and facsimile (714) 668-2490.

12 MUSICK, PEELER & GARRETT LLP

13  
14 Dated: September 12, 2007

By: 

JACK W. FLEMING, State Bar No. 86292  
New Attorneys for Defendant, AMERICAN  
CONTRACTORS INDEMNITY  
COMPANY

### 18 ORDER

19 The Court hereby orders that the request of Defendant AMERICAN CONTRACTORS  
20 INDEMNITY COMPANY ("ACIC") to substitute Jack W. Fleming (SBN: 86292) of Musick,  
21 Peeler & Garrett LLP, 650 Town Center Dr., Suite 1200, Costa Mesa, CA 92626-7166,  
22 [j.fleming@mpglaw.com](mailto:j.fleming@mpglaw.com), telephone (714) 668-2421, and facsimile (714) 668-2490, as attorney of  
23 record in place and stead of Lanak & Hanna, P.C. is hereby GRANTED.

24 IT IS SO ORDERED.

25 Dated: September 24, 2007

By: 

MARTIN J. JENKINS  
United States District Judge

Lanak & Hanna, P.C.  
400 N. Tustin Ave  
Suite 120  
Santa Ana, CA  
92705-3015  
714/850-0418

L:\ACIC\13907\Pleadings\070912 Request for Approval of Sub of  
Atty and Order wpd

-2-

REQUEST FOR APPROVAL OF  
SUBSTITUTION OF ATTORNEY AND ORDER THERE TO

**PROOF OF SERVICE**

**UNITED STATES for the Use of ECCO EQUIPMENT CORPORATION v. CENTRAL VALLEY  
CONSTRUCTION, INC., et al**

**U.S. District Court, Northern District of California, Case No. C 07-1568 MJJ**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ORANGE )

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to this action. My business address is 400 North Tustin Avenue, Suite 120, Santa Ana, California 92705-3815.

On September 19, 2007, I served the foregoing document described as **REQUEST FOR APPROVAL OF SUBSTITUTION OF ATTORNEY AND ORDER THERETO**, on the persons listed below as follows:

**PLEASE SEE ATTACHED SERVICE LIST.**

☒ (By U.S. Mail) I enclosed the document(s) listed above in a sealed envelope or package addressed to the persons listed below and placed the envelope for collection and mailing, following ordinary business practices of Lanak & Hanna, P.C. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.


(By Personal Service by Messenger) I commissioned \_\_\_\_\_ to personally serve the documents listed above by delivering a copy thereof to the office of the following, and either handing the copy to the person named below or leaving it with the receptionist or other person having charge of the office thereof. A proof of service has been requested from \_\_\_\_\_ and if necessary, will be filed with the Court.

(By Express/Overnight Mail Service) I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier. The airbill confirmation number is \*. (CCP §1013)(CCP §437c(a))

(By Facsimile Transmission) Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine I used. A copy of the record of the fax transmission, which I printed out, is attached.

☒ [FEDERAL] I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct, and that this Proof of Service was executed on **September 19, 2007**, at Santa Ana, California.

  
Ana Horta

**SERVICE LIST**

***UNITED STATES for the Use of ECCO EQUIPMENT CORPORATION v. CENTRAL VALLEY  
CONSTRUCTION, INC., et al***

**U.S. District Court, Northern District of California, Case No. C 07-1568 MJJ**

<p>Nathan D. Ide, Esq. P.O. Box 2621 Visalia, CA 93279</p> <p>Telephone Number: (559) 734-9889 Facsimile Number: (559) 734-9876</p>	<p>Attorneys for Plaintiff, ECCO EQUIPMENT CORPORATION</p>
<p>James E. Ganzer, Esq. GANZER &amp; WILLIAMS 1617 St. Mark's Plaza, Suite A Post Office Box 7683 Stockton, CA 95267</p> <p>Telephone Number: (209) 476-1661 Facsimile Number: (209) 476-1674</p>	<p>Attorneys for Defendant/ Cross-Defendant, CENTRAL VALLEY CONSTRUCTION, INC.</p>
<p>Jack W. Fleming, Esq. MUSICK, PEELER &amp; GARRETT LLP 650 Town Center Dr., Suite 1200 Costa Mesa, CA 92626</p> <p>Telephone Number: (714) 668-2421 Facsimile Number: (714) 668-2490</p>	<p>Attorneys for Third Party Defendants, TPA-CKY, Joint Venture; TAN PHUNG, individually; JULIE PHUNG, individually; TIM YU, individually; CECILIA YU, individually; TAN PHUNG &amp; ASSOCIATES, INC., and Defendant/Cross-Defendant, CKY, INC.</p>